IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 817(S/S)2007

Harish Chandra Bhatt S/o Sri Govardhan Bhatt,
Resident of village-Dewli,
District Bageshwar. -------Petitioner.

Vs.

1. State of Uttarakhand through Secretary Education,
   Uttarakhand Shasan, Dehradun,
2. Director, Education Uttarakhand, Dehradun,
3. District Education Officer, Bageshwar,
4. Principal, Govt. Inter Collage,
   Mandalsera, District Bageshwar. ------Respondents.

Sri Subhash Upadhyay, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Subhash Upadhyay, learned Counsel for the petitioner and Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reilefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 12.06.2007 and 15.06.2007 (annexure no. 3 and 9 to the writ petition),

ii. Issue a writ, order or direction in the nature of ad interim mandamus staying the effect and operation of the impugned order dated 12.06.2007 and 15.06.2007 (annexure no. 3 and 9 to the writ petition), during the pendency of the writ petition.

iii. Issue a writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iv. To award the petition in favour of the petitioner.

Submission of the learned counsel for the petitioner is that the petitioner was initially appointed on 9th February 2004 as Assistant Teacher L.T. Grade (Hindi) and he joined on 23rd February 2004 at Govt. Inter College, Garur, district Bageshwar. The petitioner was transferred on 13th December 2005 to Govt. Inter Collage, Mandalsera District Bageshwar on joint request of petitioner as well as one Sri M.M. Pandey, Assistant Teacher L.T. Grade for their mutual transfer. The grievance of the petitioner is that vide order dated 12 June 2007 passed by the District Education Officer, Bageshwar the petitioner has been transferred from Govt. Inter Collage Mandalsera, to Govt. Inter Collage, Bohala on the ground of inconsistent subject. This order has been passed in pursuance of the order dated 26th May 2007 passed by the Director, School Education, Uttarakhand, Dehradun.

Submission of the learned counsel for the petitioner is that raising all his grievances the petitioner has already moved representation before the District Education Officer, Bageshwar on 22nd June 2007, which is annexed as annexure no. 7 to the writ petition.

Therefore, without entering into the merits of the case, I deem it fit and proper to direct the District Education Officer i.e. the respondent no. 3, to take decision on the representation of the petitioner dated 22nd June 2007 (annexure no. 7 to the writ petition) by passing a speaking order on the points raised

by the petitioner in his representation, within a period of two weeks from the date of production of a certified copy of this order. Till the representation is decided by the respondent or till 31st July 2007 whichever is earlier, the impugned order dated 12th June 2007 shall not be given effect to.

The petitioner is directed to submit a certified copy of this order before the respondent no. 3 within a week from today.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 6, 2007:
NCM: